

REMARKS

Claims 1-111 were presented for examination. Claims 1-12 and 48-71 were rejected. Claims 1, 10, 65-67 and 69-71 have been amended. Claims 13-63, 68 and 72-111 have been cancelled. Support for the amendments can be found in paragraphs [0087]-[0089], [0097], [0112], [0114] and Fig. 1 of the Specification. No new matter has been added.

Rejections Under 35 U.S.C. § 101

Claims 48-71 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicants respectfully traverse.

Claims 48-63 have been cancelled by amendment.

Claim 64 has been amended to embody the computer readable program code of a computer program on a remote computing device in order to make the claim statutory. Applicants believe that claim 64 is no longer indefinite and requests the withdrawal of the rejection to claim 64.

Claims 65-67 and 69-71 depend on claim 64 and are patentable for the same reasons as claim 64. Therefore, Applicants believe claims 65-67 and 69-71 are now in condition for allowance and requests the withdrawal of the rejection to claims 65-67 and 69-71.

Rejections Under 35 U.S.C. § 112

Claim 10 was rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 10 has been amended to provide antecedent basis for the indicated subject matter. Applicants believe that claim 10 is no longer indefinite and request the withdrawal of the rejection to claim 10.

Rejections Under 35 U.S.C. § 102(e)

Claims 1, 6, 7, 12, 48, 56 and 64 were rejected under 35 U.S.C. § 102(e) as being anticipated by Nowlin. Applicants respectfully traverse.

Claims 48 and 56 have been cancelled by amendment.

Claim 1 recites a remote data processing and storage device for wireless, two-way data transfer communication with one or more data exchange infrastructure devices. The remote data processing and storage device comprises a housing, a power supply disposed within the housing, a microprocessor in electrical communication with the power supply and disposed within the housing, a data memory storage unit in electrical communication with the power supply and disposed within the housing, a transmitter and receiver assembly in electrical communication with the microprocessor and the power supply. The transmitter and receiver assembly are disposed within the housing for electronic wireless communication with one or more data exchange infrastructure devices. Finally, the remote data processing and storage device comprises a virtual interface preprogrammed in the microprocessor with a protocol for seeking, detecting and establishing two-way data exchange communication with at least one data exchange infrastructure device. The at least one data exchange infrastructure device is selectively configured for individual use by the remote data processing and storage device or for collaborative concurrent use by multiple remote data processing and storage devices.

Nowlin recites a method for switching the use of a shared set of wireless I/O devices between multiple computers. However, Nowlin fails to disclose an I/O device configured for collaborative use by multiple computers at the same time. Instead, Nowlin discloses that only one particular computer, the master machine, can have access to and control of the I/O devices at a time ([0022], [0032], [0045]). In Nowlin, the other computers, the slaves, are idle and have no control over the system devices ([0033], [0045]). Therefore, Applicants believe that claim 1 is not anticipated by Nowlin and request the withdrawal of the rejection to claim 1.

Independent claim 64 also recites the collaborative concurrent use of an I/O device by

multiple computers as called for in claim 1. Therefore, for the same reasons discussed above, Applicants believe claim 64 is also not anticipated by Nowlin, and request the withdrawal of the rejection of claim 64.

Claims 6, 7, and 12 depend on independent claim 1 and are patentable for the same reasons as the independent claim from which they depend. Therefore, Applicants believe claims 6, 7 and 12 are also not anticipated by Nowlin, and request the withdrawal of the rejection of claims 6, 7 and 12.

Rejections Under 35 U.S.C. § 103(a)

Claims 2-5, 8-11, 15-17, 20-23, 25-27, 32-35, 49-51, 53-55, 57-59, 61-63, 65-67 and 69-71 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Nowlin. Applicants respectfully traverse.

Applicants respectfully point out that claims 15-17, 20-23, 25-27 and 32-35 have been cancelled as a result of the June 9, 2008 Restriction Requirement.

Claims 48-63 and 68 have been cancelled by this amendment.

The Examiner admits that Nowlin does not disclose data security, encryption and authentication. However, the Examiner argues that since Nowlin does disclose the use of Bluetooth, Official Notice can be taken because "it is notoriously well known in the art of wireless communication that Bluetooth discloses data security, encryption and authentication." Applicants respectfully submit that is not appropriate for the Examiner to take Official Notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known. This is especially true in this particular instance since Bluetooth is infamously well-known for being susceptible to security attacks (see, for example, the accompanying articles, *Bluetooth Security Review, Parts 1* (<http://www.securityfocus.com/infocus/1830>) and 2 (<http://www.securityfocus.com/infocus/1836>)).

Additionally, claims 2-5, 8-11, 65-67 and 69-71 depend from the independent claims 1

Serial No. 10/761,733
Docket : LUM 0001 PA/38066.1

and 64. These dependent claims are patentable for the same reasons as presented above with respect to the claims from which they depend. Further, these dependent claims recite further limitations not shown or suggested by the prior art. For example, claim 5 recites that the remote data processing and storage device is configured to reject any incoming connection and to initiate all data connections for data exchange. Nowlin is silent regarding the rejection of incoming connections and initiation of all data connection for data exchange between remote data processing and storage devices. Therefore, Applicants assert that claims 2-5, 8-11, 65-67 and 69-71 are also patentable over the prior art and request the withdrawal of the rejection thereof.

CONCLUSION

For the above reasons, the Applicants respectfully submit that the above claims represent allowable subject matter. The Examiner is encouraged to contact the undersigned to resolve efficiently any formal matters or to discuss any aspects of the application or of this response. Otherwise, early notification of allowable subject matter is respectfully solicited.

Respectfully submitted,
DINSMORE & SHOHL LLP

By /Kristina Swanson/
Kristina E. Swanson
Registration No. 53,657

One Dayton Centre
One South Main Street, Suite 1300
Dayton, Ohio 45402-2023
Telephone: (937) 449-6400
Facsimile: (937) 449-6405

KES